

DEMOCRATIC PRESS BUREAU.

DEMOCRATIC STATE PRESS BUREAU.

Guthrie, Okla., May 21.—Because under the constitution he has no right to approve a law making appropriation for any other than the state, Governor Haskell this week vetoed the item of \$250,000 for his own salary and per diem in the bill paying the expenses of the delegates to the constitutional convention. The governor made it clear that he believed the delegates were all entitled to the money and that it was proper for the state to pay the same, and that his only reason for vetoing the amount was himself was the fact that it would be contrary to the constitution. He expressed the hope that the United States government will recognize the justice of this debt against the federal government and in that event, declares that he would accept his pay.

The legislature passed the item over the governor's veto, despite his declaration that he would decline to accept the money from any other source than the United States government.

Guthrie, Okla. May 21.—In order that succeeding sessions of the legislature may not be bound by the present session on the question of location for the temporary capital, Representative Ryan, of Pottawatomie county, today moved to rescind a joint resolution introduced by himself providing for location of the state capital and introduced the following joint resolution in its stead: "No permanent capital (seat of government), shall be at such place within the state as the people may, at any time, select by the majority of the vote cast at an election, wherein the question is submitted, either by petition, under the initiative or by act of the legislature, and until such permanent location is made, the temporary location shall be such as may be by law provided."

The new resolution is, in effect, the same as the original except the changing clause of the latter which reads: "The capital of the state shall be permanently at Guthrie." It is the contention of those supporting the new resolution that future sessions of the legislature should be left at liberty to determine where the temporary seat of government shall be situated until the question of a permanent location for the state capital is decided by a vote of the people.

ANTI-TRUST BILL.

The first effort at an anti-trust bill was submitted to the governor for approval last week, Thursday. This is one of the most important laws to be considered. Important, because it must destroy trusts and monopoly without crippling honest business or depriving our farmers the right to organize for their mutual protection. Thursday night and Friday night until midnight was consumed by the governor, the authors of the bill and some other members of the senate and house in carefully studying every section of the bill. As a result of this careful work, it was found that the governor should veto the first bill and the new bill which was prepared in this conference was submitted to the senate at the same time as the veto of the old one, and will become a law no doubt within the week. The senate approved the governor's veto almost unanimously, there being only two votes "no." The reasons for vetoing the first bill follow:

Executive Office.

Guthrie, Okla., May 16, 1908. To the Honorable Senate: Senate Bill Number Four is herewith returned without approval for the following reasons:

After carefully reading the bill, in connection with some of its authors and of the committee which had it in

charge and the attorney general, it is found that probably in enrolling the same clerk made several errors in transcribing words or giving words of similar sound but different meaning as are where it should be "or" and omitted the word "by" in an important place. These are doubtless errors, but their correction is essential and there being doubt in the minds of some as to the legal propriety of your honorable body receding the bill for correction, they have therefore advised me that legal certainty can best be insured by my returning the bill to you, disapproved.

As to the substance of the bill, I do seriously object to certain of its features hereinafter mentioned, as being beyond the power of the legislature to enact and beyond the policy of a government that stands for progress, development and protection of its honest and legitimate producers and consumers.

The name "Anti-Trust Law" stands for just what we need. Our constitution provides for it. We have pledged our faith and honor to the people of the state to enact an anti-trust law.

Let us not, under a good name, write a law that is unworthy of the name. No matter how pleasant the name of this law may sound, it is the substance of the law which follows the name that we must carefully consider.

We are just in the beginning of building a new state, with all its varied interests and classes of business. The first consideration of government is the protection of life and liberty.

Next, the preservation of property rights.

Oklahoma needs to guard, protect and encourage agriculture and industry, its laboring men, its commerce, its manufacturing, its mining, its oil production, in short, each element is essential to the welfare and prosperity of our state and to all classes of our people.

We want to encourage all these classes of industry, to locate and continue within our borders, and to do this, we must not favor one class above the other. Nor must we permit one class to impose upon or rob the other.

Let us soberly consider the importance of an anti-trust law. We need and must have such a law, but it must be drawn with such care as to be what its name says it is.

Section one of this bill, I agree with, indeed, I would add to it by inserting after the word "commerce" the following: "or of any act to commerce," because I believe it is just as essential to stop fire insurance companies from pooling their rates as it is to stop coal companies from pooling their production and robbing the consumers of coal and unless the attorneys are of the opinion that the destruction of these words would weaken other parts of the law, I should certainly advise adding these words, so as to make its scope broader.

Section two, as you have it written, permits the attorney general to go before one judge of the supreme court, file a petition and secure the appointment of a receiver empowered to immediately take charge of the defendant's property, without any notice or chance for the defendant to present his evidence or object to the court. In fact, take the "Huge Grocery company," for example, doing a wholesale grocery business, and such a case filed against them, they would know nothing about it until the receiver appointed without their knowledge or chance to be heard would walk into their place of business, demand the keys and take charge of everything and suspend their business and keep their goods and property in his possession, until some months in the future when the court might finally try the case. Such a business as that would have half of its value destroyed by such an arbitrary proceeding.

As everybody knows, their established trade with the retail merchants, would at once be turned to other wholesalers and by the time the case was tried, even should the grocery company be found not guilty, their trade would be lost and their goods greatly depreciated in value. The argument that the judge might not exercise the power given him in this law, is absolutely no excuse for making any law, as the people are bound to assume that when the law says that a thing is authorized, we are bound to contemplate that it may be done.

What would be the result on the commerce of our state by such an arbitrary proceeding being authorized in our law?

Every wholesale house in the state depends upon borrowing money from the eastern cities, to carry their trade. This enables them to give the retail merchant time on his goods and the retail merchant having a credit with his wholesaler, is enabled to give his customers time on what they buy for home use. You destroy the credit of the wholesaler and he can't extend credit to the retail merchant, and the retail merchant can't extend credit to the consumer, hence, if a farmer wants to buy goods and pay in cash, or our retail merchants are driven to buy their stock of goods from wholesale houses outside our state, whose credit is not affected by the Oklahoma law. This illustration can properly be applied to every line of legitimate business and would simply destroy the wholesale mercantile business in the state of Oklahoma, because it would destroy their credit away from home. It is a serious proposition when you say that simply because the defendant is thought to be guilty of unlawful conspiracy that his property shall absolutely be taken away from him and his credit destroyed without giving even a day or two's notice in which to appear before the court and deny the charge of conspiracy, nor, on the other hand, do we want to weaken the powers of the state so that the efforts of the officers of the state to destroy trusts are crippled. We have two or three instances in the history of the country, like the Waters, Pierce Oil company, in Texas and the Sugar Trust Case, in California, where a little time allowed the defendants gave them a chance to transfer their property and defeat the ends of justice, but we must realize that this only suggests the necessity for framing our law so that the state can destroy the trusts without at the same time destroying and prohibiting legitimate business.

We are not to be as reckless as he who applied such a severe medicine to destroy the tick, that he killed both the tick and the cow. We do want to destroy the tick, but we want to preserve the life of the cow, hence, in section two, I suggest the following amendments:

(a) Let the orders be made by the supreme court unless in case of vacation, in which event a majority of the judges may act.

(b) Let an injunction issue the minute the case is begun, restraining the defendant from transferring or removing the property in question.

(c) Require that notice be given the defendant and he be given an opportunity to be heard before a receiver is appointed, bearing in mind, that the injunction prevents the defendant from doing any wrong with the property in the day or two's time it requires to notify him of the application for receiver.

(d) In case the court of the judges find that a receivership is proper, then the defendant shall have the right to

retain possession of his own property, provided that he give a bond in the case, in such amount and with such securities as the court or the judges may think best.

You fully realize that a receivership is not only expensive and often in a big bill of costs, but that it is destructive of the business which men have been years in building up and if the defendant gives such bond as the court thinks is ample, then there should be no necessity for a receivership.

Remember this, that a six months' receivership might completely destroy the defendant's business and at the end of that time, when all the witnesses are heard, at the final trial an able court and jury find that the defendant is not guilty, who is there to pay the defendant the loss of his destroyed business?

Do you expect the state to appropriate money to make good such losses? Do you expect the defendant, whom he jury find innocent, to suffer the loss alone?

Again, I believe that the organization of our farmers into unions or societies, is vastly beneficial to their own welfare, and consequently to the welfare of the state and I believe it is right and proper for them to come together and hold their products, cotton or otherwise, for a uniform agreed higher price, and I do not want to see the state of Oklahoma deprive them of this essential and beneficial privilege.

Section 5. The last five lines of section five should be stricken off, in my opinion, for two reasons:

First, They are unconstitutional, as the question involved is one that the constitution clearly places in the hands of the corporation commission to regulate in each particular instance as in the judgment of that commission may be proper.

Second: The uniform inflexible application of that provision would work to the disadvantage of the people, because it would require the industries involved therein to charge a maximum price under favorable conditions, whereas, it is the practice to-day to reduce prices when the conditions are favorable and warranted, and it leaves the corporation commission to name a flexible rule that will meet different conditions and different seasons of the year, instead of trying to take the matters out of the hands of that commission and make an inflexible rule that would clearly make maximum prices in all cases.

As to the penalties for violation of laws of this character, I am decidedly in favor of criminal punishment against the officer who conducts the business of the company so as to violate the law, rather than to wipe out the company's property. We realize that to build the desirable enterprises within the state, that inevitably the companies borrow money and give mortgages on the property to secure the money with which to build it, and that those who invest their money in these mortgages are rarely ever in position where they can prevent the corporation itself from violating the law. These people who buy these mortgages are usually old people or estates, who invest their money for the sake of earning the interest on it and are powerless to control the conduct of the managing officers, and when you fix the law so that the security for their money may be wiped out, you limit the possibility of having these new enterprises built within our state, and besides I believe that the most effective punishment to enforce the law is when you put the man in jail who is actually responsible for the violation of the law.

You can rest assured that when a managing officer of the corporation knows that he will be personally punished for violations of the law, he will be more careful than where a simple fine on the property is the punishment and he may have but little interest in the property.

Section 7. I respectfully ask you to compare this section with section twenty of the bill of rights in the constitution, and call your attention to this language in the constitution: "He shall be informed of the nature and cause of the accusation against him."

In this connection, I suggest that the lawyers in the senate give special thought as to whether or not section seven can be sustained against the constitution, without changing somewhat the language of said section seven.

Section 8. Understand that many of the varieties of goods that our wholesale houses handle are placed upon sale as agents, and the selling price is controlled by the foreign manufacturer or jobber. If you leave these words: "Or and sales agency" in this bill, you will simply deprive the wholesale houses in Oklahoma from handling those goods, and the trouble is that those goods are largely of a staple class, that the people use the largest quantity of and must have. The result would be that our retail merchants would have to secure this class of goods from wholesale houses at Kansas City or other points outside of our own state.

Please consider this question carefully, and use it if it is not of the same character of question as the interstate freight rates, namely, a trust question, that we will have to correct through the federal authorities. It is certainly a desirable thing to regulate, but can we regulate it through our own laws? That is the question to which I call your careful attention. You can destroy our own wholesale business within this state, but will you accomplish any good whatever in this respect?

Section 12. I believe that you have in this section combined federal authority with unlawful interference, and if that is true, you create considerable disturbance in a serious degree, and only weaken the law by this section. But as to this, I am willing to abide the judgment of the lawyers who are members of your honorable body, and our Attorney General. I simply invite their careful consideration to this feature.

It is lawful to say that men or companies shall not combine to fix prices or commodities for public service, but it is lawful to say that any single individual or single company, which happens to own a bale of cotton or a barrel of sugar shall sell it at any particular price, and in undertaking to say that no law may fix his price for him—the absence of any trust or monopolistic agreement, but you framed a law that discredits our state without having any possibility of legal standing or efficiency.

See Justice Field's opinion, Ninety-fourth U. S. Rep., page One Hundred Thirteen.

One hundred fifty-nine Missouri, page four hundred ten.

Conley's Constitutional Limitations, Sixth Edition, section seven hundred thirty-four.

Thirty-second Law Review, page Five Hundred Ten.

Let us always bear in mind that the necessity for legitimate control of commerce and transportation, and the protection of the people against trusts and monopolies is so important that we should prepare our laws with such care that the higher courts will not sweep away the work of our legislative body, and leaves the people, after you have adjourned, without any law on the subject. We need the law carefully drawn to destroy the trusts and control the oppressors of the people, but we do not want the law to embarrass or destroy innocent people, nor to destroy the credit of the legitimate institutions within our state.

We have hundreds of thriving towns that want street car lines, electric light plants, water works plants, water power plants, wholesale houses, and every variety of enterprises that can be obtained in the convenience and comfort and prosperity of our state. We want our cotton seed, and our cotton fiber manufactured into its products within our state. We want our grain and other products and raw material manufactured within our state, and to do this, we must as vigorously protect the honest industry as we do vigorously prosecute the dishonest monopoly.

One year ago Oklahoma Territory had only one-eighth of its tax duplicate made up of railroad and other corporate and industrial values. This, our first year of statehood, will show that one-half of all the tax duplicates of the entire state will be made up of those same railroad and corporate industrial properties, and every dollar of tax that we receive from commercial and transportation property makes at much less for the farmers and home owners to pay.

I am returning this bill to you with approval, with the hopes that you will give it immediate attention, and pass a new bill that will accomplish the necessary purpose. Surely, destroy the trusts, but protect the people and the legitimate business of the state.

Respectfully submitted,
C. N. HASKELL,
Governor.

Tired nerves, with that "no ambition" feeling that is so commonly felt in spring or early summer, can be easily and quickly altered by taking what is shown to druggists everywhere as Dr. Shoop's Restorative. One will absolutely note a changed feeling within 48 hours after beginning to take the Restorative. The bowels get sluggish in the winter-time, the circulation of the blood slows down, the kidneys are inactive, and even the heart, in many cases, grows decidedly weaker. Dr. Shoop's Restorative is recognized everywhere as a genuine tonic to these vital organs. It builds up and strengthens the worn-out, weakened nerves; it sharpens the falling appetite, and universally aids digestion. It always quickly brings renewed strength, life, vigor and ambition. Try it and be convinced. Sold by all dealers.

AUCTION Saturday May 16th, on Division street, Grocers fixtures, Scales, Floor Coffee Mill, Oil and Gasoline Tanks—Stove, large Tea Cans, Spice Cans and miscellaneas.

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BOTANIC BLOOD BALM. (B. B. B.) is pleasant and safe to take, composed of pure Botanic ingredients. SAMPLE SENT FREE by writing Blood Balm Co., Atlanta, Ga. SOLD BY DRUG GISTS or sent by express \$1 PER LARGE BOTTLE, with complete directions for home cure. Sold in Guthrie, Okla., by F. B. Lillie's Drug Store. Call or write.

Many people suffer from Blood Poison and don't know it. Read symptoms. Easily cured by B. B. B. If you have aches and pains in bones, back or joints, itching, scaly skin, blood boils hot or thin; Swollen Glands, Rashes and Bumps on the skin, Sore Throat or Mouth, falling hair, Pimples or offensive eruptions, Cancerous Sores, Ulcers or Sores on Lips, Face or any part of the body, Rash on Skin, are run down or nervous, Ulcers on any part of the body, Cankerous or Itchy, TAKE BOTANIC BLOOD BALM (B. B. B.) GUARANTEED to cure even the worst and most neglected cases. B. B. B. drives all poisonous matter from the sick blood directly to the skin surface. In this way Sores, Eruptions, Pimples and every evidence of Blood Poison are quickly healed and cured.

LEGISLATIVE BANQUET.

Committee is Named to Arrange for Saturday Night's Function.

The executive committee of the legislative organization, composed of Representatives C. G. Jones, Bert Tillison, Ellis, Senators Morris, Hoffman and Dyer, chairman, met at the hotel today and perfected arrangements, and selected committees to provide for the banquet Saturday night. The Ellis club rooms have been secured for this purpose.

The committee on finance was appointed as follows: Senator Morris, Representative Ellis and Representative C. G. Jones; the committee on program and invitation: Senators Jennings and Hoffman, Representatives Tillison, Hobby and Sands.

The Ellis club rooms will easily care for from 250 to 300 people, and this event is intended to be made the social feature of the entire session of the legislature. The program will be announced later, and Governor Haskell will be on the program.

The scope of the banquet is to take in both branches of the legislature—the senate and house, and the executive, which constitute the law-making departments of the state. The event will be not only a social and hospitable event, but a far-reaching meeting of the members of the legislature, many of whom may never meet each other again. In addition to the social feature, one matter of importance will be disposed of—the place of meeting of the "Oklahoma Day Banquet," on November 16, 1908. The towns of Enid, McAlester, Shawnee, Sulphur, Sapulpa, Guthrie and Oklahoma City are all very desirous of entertaining this organization on such day.

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RAILROAD PREPARES FOR POTATO CROP MOVEMENT

Special to Daily Leader.

Fort Gibson, Okla., May 21.—The Frisco railroad which has switches running right into the potato fields between this place and Muskogee, already has 75 empty cars standing on the sidings waiting to handle the potato crop. It is estimated that 250 cars will be needed between now and the fifth of June by which time the crop will probably be marketed except a few late fields that are slow to mature. Hundreds of cars of potatoes are loaded right in the fields. The crop is considerably earlier than last year and is expected to command fancy prices.

It Reached the Spot.

Mr. E. Humphrey, who owns a large general store at Okemah, O., is president of the Adams County Telephone Co., as well as of the Home Telephone Co. of Pike County, O., says of Dr. King's New Discovery: "I gave my life once. At least I think I did. It seemed to reach the spot—the very spot of my cough—when everything else failed." Dr. King's New Discovery not only reaches the cough spot, it holds the sore spots and the weak spots in throat, lungs and chest. Sold under guarantee at C. R. Renfro's drug store, 206 and \$1.00. Trial bottle free.

Looking for Big Ones. Tom Latta, the World editor, is in Mexico looking for game and things. Tulsa World.

A Californian's Luck. The luckiest day of my life was when I bought a box of Bucklen's Arnica Salve," writes Charles F. Budah of Trece, California. "Two 25c boxes cured me of an annoying case of itching piles, which had troubled me for years and that yielded to no other treatment. Sold under guarantee at C. R. Renfro's drug store.

Rehens, bleeding, protruding or blind piles yield to Doan's Ointment. Chronic cases soon relieved, finally cured. —Druggists all sell it.

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